

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

D. B. CIVIL WRIT PETITION (PIL) NO. /2005

Consumer Unity & Trust Society, D-217, Bhaskar Marg, Banipark, Jaipur through its Secretary Shri Ajit Singh son of Major Roop Singh, aged about 57 years, resident of 338 A, Officers Campus, Jaipur (Raj.)

as petitioner.

Vs.

1. State of Rajasthan through Chief Secretary, Govt. of Rajasthan, Govt. Secretariat, Jaipur
2. Secretary, Transport Department, Govt. of Rajasthan, Sahkar Marg, Jaipur
3. Regional Transport Officer, Transport Department, Govt. of Rajasthan, RTO Office, Jhalana Institutional Area, Jaipur
4. Director General of Police, Police Head Quarters, Jaleb Chok, Bari Chopar, Jaipur
5. Superintendent of Police (Traffic), Jaipur City, Yaadgar, Ajmeri Gate, Jaipur
6. Commissioner, Jaipur Development Authority, Ram Kishore Vyas Bhawan, Jawahar Lal Nehru Marg, Jaipur
7. Chief Executive Officer, Jaipur Municipal Corporation, Lalkothi, Jaipur

as Respondents

D.B. CIVIL WRIT PETITION (PIL) UNDER
ARTICLE 226 OF THE CONSTITUTION OF INDIA

AND

IN THE MATTER OF ARTICLE 21 OF THE
CONSTITUTION OF INDIA

AND

IN THE MATTER OF GROSS NEGLIGENCE BY THE AUTHORITIES
RESPONSIBLE FOR ROAD SAFETY IN THE CITY OF JAIPUR

AND

IN THE MATTER OF PROVISIONS OF MOTOR VEHICLES ACT, 1988.

To,

Hon'ble Shri Y.R.Meena, Acting Chief Justice and his
other companion judges of High Court of Judicature for Rajasthan
at Jaipur Bench, Jaipur.

MAY IT PLEASE YOUR LORDSHIPS,

The humble petitioner, above named, most respectfully begs to submit this petition as under:

1. That the petitioner is a society duly registered under the provisions of Rajasthan Societies Registration Act, 1958 vide no. 99/84-85 dated 11.6.1984 and is also recognised by the Government of India as a registered consumers association vide registration no. 07/88 dated 4.4.1988. The petitioner society is also registered under the Foreign Contribution (Registration) Act, 1976 vide no. 1255600446 and presently has its office at the address given in the cause title herein above. The petitioner is mainly concerned with consumer protection and public interest welfare issues. The society is giving active contribution in the aforesaid fields since its inception.
2. One of the objectives of the petitioner society is to advise and if necessary assist the government and the concerned authorities in framing and enforcing laws to safeguard the interests of the citizens, including those relating to environment, healthcare, general awareness, empowerment, socio-economic development, road safety and other consumer issues. Copy of the registration certificate of the petitioner society is submitted herewith and marked as annexure 1.
3. It is pertinent to mention here that the petitioner society is competent to file the present Public Interest Litigation and Shri Ajit Singh, Secretary and Shri Deepak Saxena, Programme Officer of the petitioner society are duly authorised by the society to submit this petition before this Hon'ble Court.
4. The petitioner society is filing the present writ petition raising the issues regarding traffic problems in the city of Jaipur. The traffic police is not properly trained and equipped, and is lacking in attitude in handling questions like 'Do you Know, who I am?' The present strength of the traffic police personnel in the city of Jaipur is insufficient. Due to this insufficient number of traffic police personnel in the city and their being improperly trained, the traffic police is unable to discharge its duties in accordance with the provisions of Motor Vehicles Act, 1988 and its rules.
5. That the petitioner society, on a number of occasions, submitted representations to the respondents in order to draw attention towards improper traffic control, improper and unsystematic road maintenance, poor municipal services regarding control on stray animals, encroachment on roads and dumping garbage on roads throughout the city of Jaipur, but even after repeated representations and directions by the Hon'ble Court in various other writ petitions, the respondents are not taking effective steps and their

indifferent attitude, ineptitude, and ignorance of rules and regulations is the reason for improper and uncontrolled traffic movement on the roads, road accidents, traffic jams etc as a regular feature, causing inconvenience and nuisance to the public at large. Incompetence of traffic police can also be seen while handling of rash and negligent driving on Jaipur roads. Their rude behaviour, at times, is also a matter of concern. They also lack the attitude and the will to improve/manage traffic.

6. That it is submitted that the petitioner society gave a lot of suggestions to the respondents from time to time, with the sole objective of getting the road accidents minimised and making the Jaipur roads much safer, but the respondents seems to be doing little to improve the situation and are not taking effective steps. Few of the representations given vide letters dated 7.6.2000, 30.9.2000, 13.10.2000, 27.12.2000 and 24.6.2001 are submitted herewith and marked as annexures 2, 3, 4, 5 and 6.
7. That there are number of problems related to traffic in Jaipur and these have been shown in as annexure 7.
8. That there are also a number of publications in the daily newspapers regarding various traffic problems, road accidents, poor road maintenance, encroachments, traffic police strength, stray animals etc, but the respondents are overlooking these news items and are not taking proper action to implement the safety measures as well as provisions of Motor Vehicles Act and its rules. Copies of few of the news items published in local Hindi dailies on different issues are submitted herewith and marked as annexure 7.
9. There is lack of awareness of the provisions of Motor Vehicles Act in the public. The transport authorities, as well as traffic police, who are engaged in the work of regularisation of traffic movement, are not making substantial efforts in order to raise awareness in the public. The safety provisions laid down in the Motor Vehicles Act 1988 is thorough and it is only a question of following these rules. The study as annexure 8 shows the safety provisions in different sections of the Motor Vehicles Act, 1988.
10. That in the city of Jaipur, apart from the old walled city, there are number of colonies at the outskirts i.e. Mansarovar, Sitapura, Jagatpura, Vaishali Nagar, Amer, Vidhyadhar Nagar, Jhotwara etc, but one can hardly see the presence of traffic police personnel in these areas. The population of Jaipur is about 35 lacs and the number of registered vehicles on the roads consists of 6,30,810 two wheelers; 22,463 jeeps; 85,632 cars; 19,023 tractors; 1,672 trailers; 7,578 auto rickshaws; 877 passenger tempos; 11, 369 buses; 8,700 taxi maxi cabs; 4,191 public carrying goods tempos; 25,595 trucks and 518 cranes and other heavy vehicles as on 31st December 2004. Besides this, there are various other non- motorised vehicles also. The detailed list of the registered motorised vehicles during last few years is enclosed as annexure 9. Though the figures quoted relate to whole of Jaipur district, but in certain categories of vehicles, the traffic load is on Jaipur city only and one can assume it very easily. The annexure chart also show the present strength of these vehicles in Jaipur. In the

non-motorised category, the number of cycle rickshaws in Jaipur alone is somewhere between 25-30 thousand, apart from bicycles, which could easily number between two-three lakhs.

11. That the Jaipur City is controlled by 738 traffic police personnel headed by S.P. Traffic, but looking to the huge number of vehicle population on Jaipur roads, this strength of 738 traffic police personnel, which controls and manage them is insufficient. Thus, if we compare this with the population of Jaipur, the ratio is 1:4725 and with vehicle population, it comes out as 1: 1006. This small and insufficient number most of the time remains busy in the duties of local and visiting VIPs. Most interestingly, these traffic police personnel are also engaged in election and other duties on and off, due to which there becomes an acute shortage of effective police force to control the traffic of Jaipur. Looking to the human and vehicle population of Jaipur City, it is necessary to increase the traffic police to sufficient numbers.
12. That, if we compare the traffic police personnel strength with some other big cities as shown in the chart as annexure 10, we find that leaving the cases of Delhi, Mumbai, Bangalore and Ahmedabad, where the traffic system is highly mechanised and there is very little need of traffic police at the road junctions, other cities are in a better position as far as the strength is concerned, as compared to Jaipur.
13. That the traffic police personnel are frequently transferred from the traffic wing of the Police Department to other departments, whereas the traffic police requires special training to control traffic, and they should be fully aware with the different provisions of Motor Vehicles Act 1988 and its rules, so that they are able to implement these provisions and rules effectively, as and when required. It is also submitted that Home Guards, Rajasthan Armed Constabulary (RAC), NCC cadets etc, can be used along with regular traffic police and they should all be given regular training, for which training camps should also be organised to give them knowledge of the Motor Vehicles Act and its rules, different traffic problems of the city and the ways to tackle them, and effective implementation of the provisions etc. There is an urgent need for a specialised training school for the traffic police.
14. That as per the World Health Organisation (WHO) report, by the year 2020, road accidents would be the third biggest cause of deaths in the world, which could also be termed as the slow 'Tsunami'.
The main reason behind the increasing trend of road accidents, resulting in injuries and deaths, is lack of discipline and awareness among the drivers.
Other reasons are: increasing population, the increasing number of vehicles on the roads, and the resultant congestion.
With regard to the Jaipur City also, the ongoing problems relating to the traffic police strength, increasing number of vehicles and related traffic problems, accidents in the city are increasing at a rapid pace (details of accidents of last three years in Jaipur city involving different types of vehicles is enclosed as annexure 11). A recently published news in Rajasthan Patrika dated 20th February 2005 (annexure 11.1) speaks

about the rate of accidents in Jaipur. It says that one person is killed on an average after every 20 hours. Looking to this grim situation in Jaipur, it is extremely necessary to take some strict measures on part of the government and it is possible to bring down the number of accidents and road fatalities through public awareness and effective enforcement of the rules.

15. That the Government must also be directed to adopt the best and doable practices/policies of other countries like USA, UK, France, Netherlands, and Austria etc, who have shown that the public policy formulated by professional expertise can improve traffic conditions, and thus reduce the road fatalities. It is also submitted that there is a large road safety apparatus in our country, comprising of Road Safety Council at the centre, there is a transport department at the centre and at the state level, licensing authorities at the state level, traffic police units in all the states, there are universities and research institutes and voluntary organisations engaged in the area of road safety. Each of them is working in isolation, and as such it is necessary for the respondents to call all of them on a common platform and sit around a table and devise integrated solutions for traffic safety. Senior and interested citizens should be involved and a committee to be formulated by the respondents in this respect should also call their proper suggestions from time to time.

For this, it is very important that there should be a Road Safety Council at the state headed by Transport Commissioner and district level councils headed by the District Magistrate and both should also include representation from every stakeholder including civil society organisation working in the area of road safety.

There is already a provision in Section 215 of the M.V.Act 1988. As per Section 215 (1) of the Act, the Central Government may by notification in the Official Gazette, constitute a National Road Safety Council. Similarly Section 215 (2) and (3) speaks for the State and District level such councils respectively.

16. That Jaipur City is soon going to figure in the list of Metropolitan Cities, but except for some main roads, where there is VIP traffic, all other roads are in a very poor condition. Most roads are half covered with encroachments. There is no proper scheme for city road planning and maintenance. There are un-authorized speed breakers all over the city and road-cut repairs resemble speed breakers. The road cuts are at an average distance of every 100-200 mts in whole of the city. All these works are being managed unsystematically and these are the main reasons for road accidents and for improper traffic movement on the roads, apart from causing inconvenience to the public. Road construction should be a time-bound activity, but it is often seen that a 30-day work goes on for anywhere up to 180 days, resulting in untold misery to the poor public, along with the accompanying hazards of road safety.

Section 67 (1)© of the M.V.Act 1988 empowers the State Government having regard to the desirability of preventing the deterioration of the road system.

17. That it is relevant to mention here that encroachments on roads by shopkeepers, thelawalas etc. and wrong parking leads to hazardous driving, resulting in inconvenience and accidents, but neither the traffic police nor authorities like JDA, Municipal Corporation etc, are taking steps in this respect.

18. That stray animals are also a big reason for road accidents in the city of Jaipur and there is no control on them. Neither the Municipal authorities nor other concerned authorities have any control on stray animals movement on roads, inspite of their being a rule/act. Deaths and accidents are often reported in the media involving stray animals.

As per the prevailing Cattle Trespass Act 1871 extended to whole of India in the year 1956, para 11 of Chapter 2 of the Act enunciates as ' Cattle damaging public roads, canals and embankments-persons in charge of public roads, pleasure grounds, plantation, canal drainage, works embankments and the likes and officials of police may seize any cattle doing damage to such roads, grounds, plantations, canals, drainage works and embankments and likes or the slides or slopes of such roads, grounds, plantations, canals, drainage works and embankments or found straying there on.

19. That there is no proper policy for dumping of garbage in the City of Jaipur resulting into chaos in traffic. Almost one third to half of the road is used for dumping garbage. The whole city resembles a garbage dumping yard. This infant is a health hazard too.

20. That there is no visible city bus service regulation for private or government bus services in the city of Jaipur. They stop wherever they want, usually in the middle of the road and create a traffic hazard. These drivers usually indulge in rash driving, and are a hazard for other commuters, especially two wheelers and pedestrians. These buses should stop only at selected stops on the road side and traffic police should control them.

Section 112.1 and 112.2 of the M. V. Act 1988 mentions controlling of over speeding and rash and negligent driving.

21. That the driving licences are being issued unscrupulously by the RTO, Jaipur. If a test is to be conducted now, more than 50% would positively fail. It is the RTO agent, who gets a person the license without his/her visiting the RTO. Most often, the question of the test does not arise.

Section 3 to 5 of the M. V. Act has laid down standards and principals to issue licenses.

22. That the respondents are responsible to take necessary steps regarding problems raised in the representations submitted by the petitioner society but the slackness of the respondents is causing numerous problems, resulting in road accidents and inconvenience to the citizens of Jaipur. The increasing number of road accidents as mentioned in annexure 10 is a proof of the different problems as mentioned in para 14 to 19 of the petition.

Almost all the problems are addressed through different sections of the M.V.Act 1988.

23. That the Government is responsible to give training to the drivers of all types of vehicles and if the lessons of road safety are taught to the school children in their

schools itself, then definitely there would be a change in the driving skills of the drivers.

24. That the problems raised as mentioned in para 14 to 19 of the petition and the suggestions put forth requires immediate action on part of the government and Hon'ble High Court is requested to instruct the concerned authorities/department to take further immediate actions as the Hon'ble Court deems fit and a commission comprising of experts and judges of the High Court may be set up for a minimum period of three years to monitor the actions taken by different departments/authorities and take appropriate actions against those departments/authorities, which act negligently.
25. That other submissions would be urged during the course of arguments.
26. That the petitioner has not filed any other similar writ petition either before this Hon'ble high court or before Hon'ble Supreme Court of India.
27. That the petitioner has been left with no other alternative and efficacious remedy except to approach before this Hon'ble High Court under Article 21 and 226 of the Constitution of India.

It is, therefore, respectfully prayed that your lordships may graciously be pleased to allow the present writ petition and:

- i) by an appropriate writ, order or direction, the respondents may be directed to formulate a policy for the State of Rajasthan involving the Research Institutes, Voluntary Groups, Senior Citizens, NGOs, etc. for proper implementation of traffic rules and road safety measures.
- ii) by further appropriate writ, order or direction, looking to the population and expansion of Jaipur, the respondents may be directed to increase the traffic police personnel with appropriate number for the city of Jaipur.
- iii) by further appropriate writ, order or direction, the State Government may be directed to form a separate Traffic Police Force. This will prevent transfer of personnel to other departments/wings of the police department. As traffic management is a specialised subject, these traffic force personnel can be provided with such specialised training as necessary for the job. Also it is necessary to bar traffic police force from all other duties except public traffic control and management.
- iv) by further appropriate writ, order or direction the respondents may be directed to issue necessary directions to include road safety education in schools from middle school level to college level, so that students learn and understand the importance of good traffic, safe driving etc.

- v) by further appropriate writ, order or direction the respondents be directed to make a policy regarding expansion/proper maintenance as well as removal of encroachments from roads, dumping of garbage, removal of stray animals etc, and after framing the policy it should be implemented effectively.
- vi) by further appropriate writ, order or direction the respondents may be directed to make a policy regarding city bus service, as per the Delhi/Mumbai city bus service with proper bus stops. It is prayed that city bus drivers should be in the age group of 45 to 60 years, as compared to the present young-blood brigade.
- vii) by further appropriate writ, order or direction the respondents may be directed to make a policy to control and monitor license agents and license issuing authorities must be directed to strict measures while issuing licenses of all kind.
- viii) by further appropriate writ, order or direction the respondents should be made accountable and suitable punishment should be imposed in the case of negligence in handling matters as mentioned at para 14 to 19 of the petition and a commission comprising of different stakeholders and ----- may be set up for a minimum period of three years to monitor the actions being taken by the respondents and take appropriate actions against those respondents, which act negligently.
- ix) any other beneficial order or direction which the Hon'ble Court deems fit and proper in the facts and circumstances fit and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner.
- x) costs of the writ petition may kindly be awarded in favour of the petitioner.

HUMBLE PETITIONER

THROUGH COUNSEL

(Ajay Gupta)
Advocate

Annexure 10

Details of road accidents occurred during last three years in the city of Jaipur

S.N.	Type of vehicle involved in the accident	Year	Total reported accidents	Number of Injured	Number of Deaths
1.	Trucks/Tankers	2002	368	276	73
		2003	286	202	63
		2004	302	227	91
2.	Buses	2002	111	82	34
		2003	125	105	34
		2004	105	89	30
3.	Mini Buses	2002	186	215	29
		2003	175	203	18
		2004	177	211	20
4.	Cars/Jeeps	2002	613	605	57
		2003	649	638	49
		2004	654	655	54
5.	Three wheelers	2002	65	60	2
		2003	112	102	16
		2004	98	104	9
6.	Two wheelers	2002	365	356	41
		2003	405	404	36
		2004	488	475	50
7.	Other vehicles	2002	29	29	10
		2003	37	54	14
		2004	33	32	10
8.	Unknown vehicles	2002	75	23	57
		2003	109	42	69
		2004	116	54	63
9.	Other light vehicles	2002	50	42	09
		2003	75	66	20
		2004	69	68	16
10.	Total	2002	1862	1688	312
		2003	1973	1816	319
		2004	2042	1915	343

Source: *The information was collected from S.P.Traffic, Jaipur Office*

Annexure 8

Registration of Vehicles in Jaipur District During the Year

Year	M. Rickshaw	Two Wheeler	Auto Rickshaw	Tempo		Cars	Jeeps	Tractor s	Trailers Car/Jeeps	Taxi
				Pass.	Goods					
1	2	3	4	5	6	7	8	9	10	11
1981-82	7	6707	173	67	13	489	195	401	296	149
1982-83	4	7027	217	16	9	498	207	469	366	155
1983-84	1	9610	194	5	1	472	258	410	135	214
1984-85	6	10865	183	5	11	937	351	344	87	207
1985-86	2	12715	222	6	2	1312	389	309	117	159
1986-87	4	15512	282	32	7	1320	440	445	76	113
1987-88	8	18627	178	53	0	1891	431	533	85	188
1988-89	8	20626	177	145	2	2045	463	709	67	214
1989-90	6	21811	130	73	23	2115	636	689	31	330
1990-91	0	23075	105	108	72	1878	556	725	36	244
1991-92	0	19916	115	155	17	1722	818	1047	6	204
1992-93	0	17526	107	87	0	1344	641	939	51	219
1993-94	0	19804	177	21	0	1689	1041	733	8	130
1994-95	0	22898	161	21	0	2381	883	730	1	140
1995-96	0	28467	247	62	2	4143	1078	948	0	308
1996-97	0	31567	549	3	0	5129	1814	1261	0	336
1997-98	0	32669	437	10	0	4131	2045	1477	0	275
1998-99	0	38115	549	3	503	4709	2140	1698	0	413
1999-00	0	42244	389	5	464	7365	2116	1378	0	337
2000-01	0	35681	352	0	365	6283	837	707	0	409
2001-02	0	37960	336	0	380	7053	608	756	17	1047
2002-03	0	45889	559	0	540	7837	991	546	59	1020
2003-04	0	52776	764	0	870	9211	2515	716	116	1112
From 1 st April to 31 st Dec.04	0	58723	975	0	910	9678	1010	1053	118	777
Total	46	630810	7578	877	4191	85632	22463	19023	1672	8700

Source: The above information was collected from the RTO office of Jaipur

Comparative Chart of different cities in India

S.N.	Name of the City A	All type vehicle Population (registered) B	Traffic Police Strength C	Ratio C:B
1.	Delhi	35,51,690	2,700	1:1316
2.	Mumbai	17,01,264	2,000	1:851
3.	Kolkata	10,37,451	3,212	1:323
4.	Jaipur	7,42,448	738	1:1006
5.	Chennai	13,25,683	2232	1:594
6.	Bhopal	3,28,811	524	1:628

To: PSM
From: DS
Dt: 28th February 2005
Sub: PIL on road safety

Respected Sir,

As discussed with you last time along with GC, the following points have been incorporated in the petition:

1. Prayer to set up a judicial commission for a minimum of three years, which can work on the basis of fact finding of the status and conditions of traffic in Jaipur.
2. All types of traffic rules and their violations have been placed as annexure.
3. Study of different safety provisions in MV Act 1988 as annexure.
4. Setting up of a road safety council at the state and district level in the prayer.

Apart from this, as far as comparison of accident figures annexed in our petition is concerned. The news of Rajasthan Patrika relates to whole Rajasthan but the total figure as mentioned in other news do tally.

The States, where the position is worse have been removed from the comparison chart barring Delhi as it has plenty of flyovers and mechanised traffic system.